

Minutes of the Planning Commission meeting held on Thursday, August 20, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
Karen Daniels
Kurtis Aoki
Tim Taylor
Sheri Van Bibber
Ray Black
Tim Tingey, Director of Community & Economic Development
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland, Vice-Chair

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jeff Evans opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Kurtis Aoki made a motion to approve the minutes as written for August 6, 2009. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for Epic Gymnastics, LLC, Clear View Packaging, LLC, Ruff N It, and Atkinson Electronics. Seconded by Sheri Van Bibber.

A voice vote was made. The Findings of Fact were approved unanimously, 6-0.

WINCHESTER TOWNHOMES AMENDMENT – 1290 West Winchester Street, Project #09-63

Jim Allred with Allred, Soffe, Wilkinson, Nichols Architects was the applicant present to represent this request. Chad Wilkinson reviewed the location and a request for an amendment to the Conditional Use Permit for Winchester Townhomes. The development is located on the corner of 1300 West and Winchester Street. The property is zoned R-M-15, and is on the border of Murray City and Taylorsville City. The applicant has requested permission to remove a pathway that was required as part of the approval of Taylorsville City. The development was originally approved by

Taylorsville in 2006 and was subsequently annexed into Murray City in 2007. Most of the structures have been completed although some building is ongoing. The pathway being discussed connects to the development to the east. Staff has reviewed the request and considered the requirements in the Murray City code. The Murray code allows for elimination of sidewalks within Planned Unit Developments when an internal pedestrian circulation plan is in place. Staff is recommending approval of the request.

Jim Allred, 557 E. Walnut Brook Drive, stated that he has received a copy of the staff report. Mr. Allred has worked with staff and believes that the proposed connection to the sidewalks on the exterior of the project is more sensible. Mr. Allred concurs with the staff's recommendations and stated this will be a better solution for all parties.

There were no public comments related to this item.

Ray Black made a motion to approve a Conditional Use Permit amendment for Winchester Townhomes, located at 1290 West Winchester Street, subject to conditions:

1. In lieu of the originally approved pedestrian connection, the applicant shall provide for a pedestrian connection from the interior of the development to the public street at 1300 West or an equivalent location to the satisfaction of Community and Economic Development staff and the City Engineer.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A Ms. Daniels
A Ms. Van Bibber
A Mr. Taylor
A Mr. Evans
A Mr. Black
A Mr. Aoki

Motion passed, 6-0.

RAMOSELLI ZONE MAP AMENDMENT – 6575 South 900 East, Project #09-61

Chris Terry and Norma Ramoselli were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a zone map amendment from G-O (General Office) to A-1 (Agricultural District). Mr. Wilkinson stated that he received a phone call from Marv Jensen, representing RC Willey, stating that they are neither opposed to or in favor of the application and appreciated the current configuration of the property as an open area. The property is located on the corner of 900 East and 6600 South, with Wheeler Farm directly to the north and RC Willey to the west. Mr. Wilkinson stated that the General Plan contains a future land use map that identifies areas that are going to transition to another zone district or use pattern over time. In this case, the General Plan indicates General Office for this area. There are other areas along 900 East that are categorized as mixed use in the General Plan and include residential and agricultural. This particular property was annexed into Murray City in 2003, at which

time the zoning was changed to G-O. Mr. Wilkinson stated that staff is seeking a recommendation from the Planning Commission to the City Council regarding this zone change request. When staff reviewed the request, it was determined that it does not meet the criteria for compliance with the General Plan. The General Plan specifies that Agricultural zoning is to be transitioned away over time and be replaced by a different designation. Staff is recommending denial based upon non-compliance with the General Plan.

Tim Taylor asked why the property couldn't be zoned Open Space. Mr. Wilkinson responded that single family dwellings are not allowed in that zone. Mr. Evans asked if there were any other zoning alternatives for the applicant. Mr. Wilkinson responded that other alternatives would depend upon what specifically the applicant is seeking. Currently the residence is a non-conforming use, which is not unusual when properties are rezoned.

Chris Terry, 175 East 400 South, Suite 700, spoke on behalf of Norma Ramoselli, the property owner who was also present. Mr. Terry stated that they understand the issues with the master plan. Mr. Terry stated that when the property was annexed into Murray City, the County master plan was R-M, and the County zone was A-1. At that time Murray City tried to match up the zones as closely as possible. Ms. Ramoselli's sister owned some adjacent property and the G-O zone worked in her favor as her property was later developed for a hotel and rehabilitation center. Ms. Ramoselli did not realize that her property had also been zoned G-O until she attempted to sell a portion of the property in order to pay property taxes. Mr. Terry stated that there were two other parcels on 900 East that were zoned A-1 at the time of annexation, as noted in the Planning Commission minutes of February 6, 2003. The main concern is that Ms. Ramoselli will be taxed off of her property, which is currently happening. Mr. Terry stated that this is a unique property and has been a farm for over 100 years, and they are requesting rezoning in order to maintain the property as it is.

There were no public comments related to this item.

Karen Daniels made a motion to forward a negative recommendation to the City Council for the requested zone change from G-O to A-1 for the property addressed 6575 South 900 East, as it is not consistent with the General Plan.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Mr. Taylor
A Ms. Daniels
A Ms. Van Bibber
A Mr. Evans
A Mr. Black
A Mr. Aoki

Motion passed, 6-0.

DHOD BOUNDARY ADJUSTMENT - 4735 South to 4777 South State Street; 4730 South to 4768 South State Street; 4742 South to 4780 South Brown Street; and 64-66 East Regal Street, Project #09-62.

Tim Tingey provided some background on this proposal. An ordinance was passed several years ago that identified an area as the Downtown Historic Overlay District. A proposed change is being recommended to this area in relation to a master planning effort and redevelopment process. Murray City and the Redevelopment Agency have partnered together and want to see this area fully utilized. They believe that this area is very important to the community and is historically significant. The master planning process has been ongoing since last September, and encompasses a variety of factors including physical characteristics, market conditions, and transportation and redevelopment opportunities. Part of the process includes reviewing current ordinances in order to evaluate any needed changes. Mr. Tingey stated that in going through this process, the downtown has been identified as a core focus area. There have been a number of business owners that have raised concerns with the downtown area as it relates to the utilization of their property, and specifically BMW, located just north of 4800 South, is currently proceeding with a lawsuit against Murray City.

Mr. Tingey reviewed maps that identify the proposed modified boundary areas of 4735 South to 4777 South State Street; 4730 South to 4768 South State Street; 4742 South to 4780 South Brown Street; and 64-66 East Regal Street. The area is defined using property boundaries in order to preserve the cohesiveness of the historic area.

Tim Taylor stated that there are maps available to members of the public if they'd like to review these boundaries.

Tim Tingey reviewed significant historical buildings and contributing buildings in the downtown area. There are some significant and contributing buildings that will be excluded from the DHOD. Mr. Tingey concluded with the following:

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.
3. The proposal provides a better transition into the core historic and proposed mixed use downtown area of the City. This boundary change also helps to create a better defined "cohesive physical image" which will better blend with the future proposed development;
4. This proposed modification will concentrate efforts on a smaller area on State Street and create more of an emphasis south of 4800 and moving westward to provide stronger connections between land uses and transit opportunities.

Mr. Tingey stated that staff is recommending approval of the proposed modification, and request that the Planning Commission forward a positive recommendation to the City Council.

Jeff Evans opened the meeting for public comments related to this agenda item.

Bruce Parsons, 5634 South Hillside Drive, stated that he has discussed his concerns regarding this zone change with Tim Tingey. Dr. Parsons owns property adjacent to the proposed northern boundary, specifically homes located at 125, 133 and 143 East 4800 South, and a vacant lot behind these homes. Dr. Parsons stated that these homes have little historic significance, except perhaps the home addressed 133 East where polygamist leader Dr. Rulon Allred was murdered. Dr. Parsons would like to see his properties excluded from the zone change because he'd like the option of further developing his property sometime in the future. He stated that he does support preservation of historic structures.

Jeff Evans asked if any of Dr. Parsons buildings are contributing buildings. Tim Tingey explained that contributing buildings are defined as 50 years or older within the downtown area, and contributes to the historic character of the Downtown Historic Overlay District in three ways: significant events, retains it's character as far as architectural features, and has undergone alterations that don't have the key historic features in place. It was determined that Dr. Parsons buildings are not considered contributing.

Jeff Evans asked how this building classification would affect Dr. Parsons desire for future projects on his property. Mr. Tingey responded that Dr. Parsons property is located within the transition area. The focus of that area is to ensure that development does not detract from the historic area. Dr. Parson's could move forward with his project, which would have to be reviewed by the Design Review Committee to ensure that the features were appropriate and contributed to the historic area in a positive way.

Jim Lundahl, 150 East 500 South, Logan, stated that he owns property north of Hubcap Tony's. Currently the property is not rented and has previously been difficult to rent. Mr. Lundahl stated that he thinks the property will further deteriorate if it is in the Downtown Historical Overlay District because there will be less opportunities available to use the property. Mr. Lundahl would like his property to be excluded. Mr. Evans stated that according to the current proposal Mr. Lundahl's property would be excluded.

Doug Stone, 5032-C Three Fountains Circle, is the real estate agent that works with Mr. Lundahl and is also a resident of Murray City. The properties that Mr. Lundahl owns are at 4771 and 4773 South State Street. Mr. Stone is in favor of this proposed boundary and stated it will allow more latitude with the property as the buildings are not historic.

Mike Todd, 4861 South State Street, stated that he owns property in Murray City. Mr. Todd originally was in favor of the historical district and was an instigator in its development. Mr. Todd stated that over the past two years the downtown area has declined significantly. Mr. Todd would like the entire Downtown Historic Overlay District to be abolished. In order to revitalize downtown Murray, there needs to be fewer restrictions. Mr. Todd has spent millions of dollars on historic preservation and renovation. Mr. Todd stated that there are a number of vacant buildings in the downtown area.

Susan Wright, 4872 South Poplar Street, agreed with Mr. Todd's statements. Ms. Wright has invested a lot of money into downtown Murray. Ms. Wright stated that growth is at a standstill, and stated that just because a building is old does not mean it is

historic. Her house, the Murray Mansion, is a historic building, and Ms. Wright is on the historic board. She stated that most people who want to save historic buildings don't own any of them. Old buildings have old plumbing, wiring, and other systems that require a lot of maintenance. Ms. Wright stated that the old buildings between 4800 South and Vine Street should be demolished because they are decrepit.

Dave Clark, 4735 South State Street, is with BMW of Murray. Mr. Clark agrees with prior comments about blighted areas in downtown Murray. Mr. Clark stated he doesn't want this recommendation to be completely disregarded. The recommendation has been made by staff, and it is a start toward making changes in removing some historical buildings. Mr. Clark stated that this process is opening up more dialog between business owners and Murray City.

Mary Nitafer, 1570 East 8685 South, owns property at 64-66 East Regal Street. The buildings are over 75 years old. Ms. Nitafer has restored the properties and spent over \$100,000. The property houses a 4-plex that rents executive style apartments. The building is nostalgic in appearance but is also modern and clean, and Ms. Nitafer supports the idea of not protecting a property just because it is old.

Jeff Evans asked Tyson Soffe from Soffe Mortuary if his family would prefer being excluded from the zone or if they'd rather be included. Mr. Soffe responded that they want their property to be excluded.

Mike Todd stated that he doesn't want to oppose anyone that is trying to help revitalize downtown Murray. Mr. Todd requested that if this proposal is adopted that the language include a recommendation to staff to immediately begin the process of doing away with the rest of the historic area as well.

Jeff Evans closed the public comment portion of this agenda item.

Ray Black stated that he was unaware that the previously mentioned lawsuit was with BMW of Murray. Mr. Black has known the Clark family for over 55 years and considers them close friends. Mr. Black indicated a conflict of interest for this item and opted not to participate in the vote for that reason.

Tim Taylor stated that this is a significant issue that should be discussed. Mr. Taylor stated that looking at this project from a planning perspective, in conjunction with all of the provided materials and the staff report, it seems to be a significant step in developing the areas around notable Murray locations, such as Murray Park and Intermountain Medical Center. Mr. Taylor stated that the Design Review Committee made a recommendation not to change this area because they wanted to wait for a vision to be clarified before making a decision. Mr. Taylor stated that when driving on State Street through Murray, it seems that the downtown area starts south of 4800 South. Mr. Taylor is in favor of this proposal because it will concentrate the downtown area and the historic nature of the area.

Kurtis Aoki stated that his first impression of this proposal was that it wouldn't work. Mr. Aoki stated that he is concerned about the vision now that the economy is causing difficulty for many people. Mr. Aoki stated that in order to make this area viable, it needs

to be an area that people can enjoy and is helpful to the community. Mr. Aoki stated that his main concern relates to economics.

Sheri Van Bibber stated that costs were an issue even before the economy changed. Ms. Van Bibber stated that she appreciates the feedback coming from the community on this issue.

Jeff Evans stated that he hasn't ever heard from an applicant that was pleased about the Downtown Historic Overlay District. Mr. Evans stated that this is a rare occasion that the Planning Commission isn't tied by land use law. In reviewing the businesses along State Street, there are a number of modern looking buildings but there are also a lot of vacant lots and boarded up buildings. Mr. Evans supports what is being excluded right now, and would also recommend that the Mayor and City Council revisit the issue entirely.

Sheri Van Bibber made a motion that the Planning Commission forward a positive recommendation to the City Council for the requested zone change of the DHOD boundary amendment, excluding the properties as stated prior. Ms. Van Bibber added a condition:

1. Recommendation that staff continue looking at the overall DHOD area for further study pertaining to the application of this zone.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Taylor
A Ms. Daniels
A Ms. Van Bibber
A Mr. Evans
A Mr. Aoki

Motion passed, 5-0.

Dave Clark thanked the Planning Commission for being in tune to the needs to Murray City, and stated that this was the most positive meeting he had attended for quite some time.

OTHER BUSINESS

Tim Tingey stated that on Tuesday, August 25th, an open house will be held to discuss the mixed use rezone proposal and ordinance. Mr. Tingey invited all those present to attend.

Meeting adjourned.

B. Tim Tingey
Director of Community & Economic Development